

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JUAN EVORA, COREY DAY, et al.

v.

C.A. No. 08-094 ML

ASHBEL T. WALL, et al.

REPORT AND RECOMMENDATION

Plaintiff, Dandridge Catus, *pro se*, is an inmate at the Adult Correctional Institutions in Cranston, Rhode Island. On March 25, 2008, he, along with fourteen other inmates, filed an action complaining about the conditions of confinement. Presently before the Court is plaintiff Catus's motion entitled "Motion to Remove Named Plaintiff from Civil Action Complaint" which shall be interpreted as a motion for voluntary dismissal by plaintiff Catus pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure (Docket # 41). This matter has been referred to me for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

Having reviewed plaintiff Catus's submission, I hereby recommend plaintiff's motion to be removed as a plaintiff in this action be GRANTED and the action be DISMISSED without prejudice with respect to plaintiff Catus.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten days of its receipt. Fed.R.Civ.P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986) (per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
January 6, 2009